

ADDITIONAL FEE:

Please charge any insufficiency of fee, or credit any excess, to Deposit Account No. 50-0427.

R E M A R K S

The Office Action issued June 7, 2004 has been received and its contents have been carefully considered.

The indication that claims 14, 15 and 19-30 contain allowable subject matter is noted with appreciation.

Also, applicant notes with appreciation the citation of the numerous prior art references which, indeed, are quite relevant to applicant's invention. Applicant was unaware of these references at the time this application, and its priority provisional application, were filed.

The present invention arose as a result of several years of experimentation with various types of equipment for dogs and other animals which is intended to improve the animal's fitness and strengthen its muscles. As is well known, animals, particularly domestic animals, suffer from the same problems of obesity and dyspepsia as humans, due to their sedentary life. While humans can and should exercise

on a regular basis, and have available to them fitness center and other exercise equipment, very little attention has been paid to the lack of fitness of animals.

After lengthy experimentation, applicant has found that certain exercise equipment employed on animals can actually be detrimental, rather than beneficial to their health. One such type of a equipment is a harness of the type which attaches and retains weights on an animal's body at certain detrimental locations.

In particular, it has been found that if weights are placed on an animal's torso, either on its back, on either side or on its belly, severe back problems can arise over time. This is because, with the possible exception of horses, an animal's backbone is not designed to support this additional weight.

Applicant has discovered that the ideal, and indeed the only proper place for retaining additional weight on an animal for exercise purposes is on the animal's chest between its front legs. At this position, the weight is fully supported by the leg muscles of the animal and adds no stress whatsoever to the animal's back.

From reviewing all the prior art cited by the Examiner, this fact has apparently been overlooked by others who have devised fitness equipment for animals.

Accordingly, applicant has amended her independent claims 1 and 31 to recite a "means for removably holding at least one weight on said web at a point substantially between said pair of front legs of the animal" (claim 1) and "affixing... a weight on the body of the animal in the region of the chest between said pair of front legs" (claim 31).

The patent publication to Newman which, incidentally, has a filing date later than the filing date of applicant's provisional patent application, discloses an "animal vest" which carries a plurality of elongate weights 110. As shown in Figs. 9-12, when this vest is applied to a dog, the weights are retained on the dog's body everywhere except the point between the dog's two front legs.

The patent to Petronio discloses a weighted vest for a horse. As mentioned above, a horse is one of the few animals that is capable of carrying substantial weight on its back. This weighted blanket 4 "is disposed on the back of the horse 2 and extends generally in length between the

withers area 6 and the hip area 8 of the horse" (column 2, lines 57-59). Again, while this device may be acceptable for horses, it does not place the weight or weights on the chest of the animal between its two front legs as required for other animals, such as dogs.

The patent to Acoff is perhaps the most relevant reference which has been cited and applied by the Examiner. In this case, a harness comprising a collar 14, a back strap 20, a chest strap 22 and a rear portion 24 surrounding the animal's torso, holds a plurality of weights at various positions on the animal. The patent states, in column 4, lines 53-59:

"...by disposing a plurality of weights 36 within upper portion 28 and lower portion 30 of weighted vest 24, the hind legs 18 of dog 10 may be targeted for training and conditioning. By disposing a plurality of weights 36 in either back strap 20 or chest strap 22, front legs 32 and the withers region of dog 10 may be targeted for training and conditioning."

Although the check strap 22 does incorporate small weights along its entire length, these weights are not removable.

The patent goes on to state that "a plurality of pockets 46 may be disposed on animal training and conditioning apparatus 12 in strategic locations to further

enhance the training of specific muscle groups of dog 10." One of these pockets 46 is located on the chest strap 22 either in the region of the dog's belly (Fig. 2) or near the dog's neck (Fig. 6). Akoff neither shows nor suggests that these pockets are arranged between the two front legs of the dog.

The patent to Wesseldine discloses an incontinence device for dogs which holds an absorbent pad over the genital region. Like all of the other references of record, this patent fails to teach a harness for removably holding one or more weights against the chest of a dog in the region between its front legs.


Independent claims 1 and 31 have further been amended to delete the "weights" as a separate element (claim 1), and to add the step of "changing the weight" (claim 31).

Finally, claim 33 has been amended to remove the informality kindly noted by the Examiner. Claim 6 has been amended to correct the spelling of "trapezoidal".

Since independent claims 1 and 31 have been amended to distinguish patentably over the prior art of record, and since claim 33 has been amended to overcome its informality, this application is now believed to be in condition for

immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.


Respectfully submitted,

By 
Karl F. Milde, Jr.
Reg. No. 24,822

MILDE & HOFFBERG, LLP
10 Bank Street - Ste. 460
White Plains, NY 10606

914-949-3100

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on AUGUST 2, 2004

MILDE & HOFFBERG, LLP
By 

Date AUGUST 2, 200R